



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-10-2015

Coram

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Tr.C.M.P.No.70 of 2015

and

M.P.No. 1 of 2015

T. Thenkumari

.. Petitioner/Respondent

Versus

K. Mahendraboopathi

.. Respondent/Petitioner

Petition filed under Section 24 of the CPC praying to withdraw HMOP No. 148 of 2013 pending on the file of the Family Court, Coimbatore and to transfer the same to the file of Sub Court, Tambaram or to the Family Court in Chennai.

For Petitioner : Mrs. A. Arulmozhi

For Respondent : Mr. T. Padmanabhan

ORDER

This Transfer Civil Miscellaneous Petition was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for exploring the possibility of a settlement of the dispute between the parties.

2. A communication dated 23.09.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 04.09.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Matter has been settled between them as per the terms cited in the Mediation Agreement enclosed. Hence, the matter is sent back to the Hon'ble Court."

3. As the parties have arrived at a settlement in terms of the agreement entered into between them, this Transfer Civil Miscellaneous Petition is listed for passing an order in terms of the settlement.

4. As per the Mediation report dated 04.09.2015, the petitioner as well as the respondent have arrived at a compromise and it was reduced in to writing. The terms and conditions of the agreement has been duly signed by the parties in the presence of witnesses which reads as follows:-



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"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:-

1. Both the parties agreed to file a petition under Section 13 (b) of H.M.A.in Chennai

2. Both parties agree to withdraw the alleged allegation against each other

3. Respondent agree to pay a sum of Rs.9,00,000/- (Rupees Nine Lakhs Only) as permanent alimony to the petitioner in three instalments viz.,

(i) 1st instalment a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) at the time of filing 13 (b) petition

(ii) 2nd instalment a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) should pay after three months

(iii) 3rd instalment a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) at the time of evidence in 13 (b) Petitioner

4. Respondent agree to withdraw H.M.O.P. No. 148 of 2013 pending on the file of the Family Court, Coimbatore

5.Both parties agree that they have no further claim against each other."

5. During the course of hearing in this Transfer Civil Miscellaneous Petition, the learned counsel appearing for both sides, in appreciation of the mediation process, submit that the petitioner as well as the respondent voluntarily agreed to deposit some amount. The learned counsel for the petitioner volunteered to deposit a sum of Rs.20,000/- while the counsel for the respondent agreed to deposit a sum of Rs.5,000/- to the credit of the Tamil Nadu Mediation and Conciliation Centre attached to this Court. The said statement is recorded and such payment shall be made as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

6. Having regard to the fact that the petitioner as well as the respondent have entered into a memorandum of compromise, in terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 04.09.2015, this



Transfer Civil Miscellaneous Petition is disposed of. The Mediation Agreement and the report of the Mediation Centre shall form part of this order. Consequently, connected MP No.1 of 2015 is closed.

Rsh

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Sd/-

Assistant Registrar (CCC)

/True Copy/

Sub-Assistant Registrar

To

The Family Court, Coimbatore

+1 C.C. To MR.T.Padmanaban, Advocate in SR.NO.55307

+1 C.C. To MR.A.Arulmozhi, Advocate in SR.NO.55135

Tr.CMP No.70 of 2015

VGI (CO)

sd : 25/11/2015